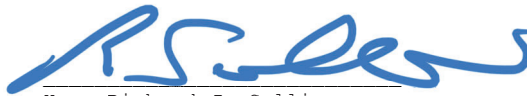


U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 1, 2022

The Court has so-ordered the government's proposed subpoenas as of today's date, and the case remains sealed. The government's proposed and so-ordered subpoenas is GRANTED. Because the subpoenas contain Supervisee's sensitive and personally identifiable medical information, the Court finds that the presumption in favor of open records has been overcome. See *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995). Accordingly, IT IS HEREBY ORDERED THAT the subpoenas addressed to QVCMH for J-CAP, Inc., and to BASICS, Inc., so-ordered by the Court today, shall be filed under seal.

Dated: July 7, 2022
New York, New York

Hon. Richard J. Sullivan
United States Circuit Judge
Sitting by Designation

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge¹
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007Re: *United States v. John Kovac*, 15 Cr. 514 (RJS)

Dear Judge Sullivan,

The Government respectfully writes to request that the subpoenas addressed to QVCMH for J-CAP, Inc., July 1, 2022, and BASIC, Inc., July 1, 2022 be so-ordered by the Court. The Government requires the information requested in the subpoenas for the hearing scheduled in the above-referenced matter for July 20, 2022 relating to John Kovac's violation of supervised release.

On May 31, 2022, the United States Probation Office submitted an amended violation report with the Court accusing the defendant John Kovac of violating the conditions of his term of supervised release in four specifications. On June 6, 2022, the defendant appeared before the Court. At his appearance, the defendant denied Specifications One and Two, but admitted to Specifications Three and Four. Specification One alleges that on February 22, 2021, the defendant failed to participate in substance abuse treatment in that he was unsuccessfully discharged from J-Cap inpatient drug treatment program due to breaking program rules by bringing drugs in the facility. Specification Two alleges that on February 9, 2022, the defendant used a controlled substance, testing positive for fentanyl. A revocation hearing is scheduled for July 20, 2022 on these specifications.

The subpoena to J-CAP seeks records regarding the defendant's bringing of drugs into the drug treatment program facility, and the subpoena to BASIC, Inc. seeks records regarding the defendant's positive test for fentanyl, including any follow-up re-test. The Government was informed by the Deputy Counsel for the Acacia Network, for which the J-CAP, Inc. and BASIC, Inc. entities fall under, that the requested information could not be provided without an order from this Court.

Because the attached subpoenas contain personally identifiable information for the defendant, the Government requests that the subpoenas be filed under seal and will transfer the subpoenas to the Court via email. The subpoena to BASIC, Inc. includes the defendant's personally identifiable information such as the defendant's patient number and account information. The

¹ Sitting by designation as a United States District Judge for the Southern District of New York

subpoena to J-CAP, Inc. references a letter the U.S. Probation Office received containing private information regarding the defendant.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

by: /s/ Edward C. Robinson Jr.
Edward C. Robinson Jr.
Assistant United States Attorney
212-637-2273